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Attorneys for Defendants,
City of Porterville, Jake Castellow,
Joshua Roman and Robert Richardson

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

A.A.B., a minor, by and through his Guardian
Ad Litem, DNIEPER VEGAVILLALOBOS

Plaintiff,

v.

CITY OF PORTERVILLE, a municipal
corporation; JOSHUA ROMAN, in his
individual capacity as a corporal for the
Porterville Police Department; ROBERT
RICHARDSON, in his individual capacity as a
sergeant for the Porterville Police Department;
JAKE CASTELLOW, in his individual
capacity as the Chief of Police of the
Porterville Police Department; and DOES 1-
50, inclusive.

Defendants.

Case No.: 1:25-CV-00261-EPG

**DEFENDANTS' ANSWER TO THIRD
AMENDED COMPLAINT AND DEMAND
FOR JURY TRIAL**

COME NOW DEFENDANTS, City of Porterville, Jake Castellow, Joshua Roman and
Robert Richardson and no others, ("Defendants"), and in answer to Plaintiff's Third Amended
Complaint ("Complaint") admit, deny and allege as follows:

1. Answering the allegations contained in paragraphs 1-2, page 2 of said Complaint,
Defendants allege that they have no information or belief upon the subjects contained therein
sufficient to enable them to answer any of said allegations, and placing their denial on that

1 ground, deny each and every, all and singular, generally and specifically, said allegations and the
2 whole thereof.

3 2. Answering the allegations contained in paragraphs 3-4, page 2 of said Complaint,
4 Defendants deny each and every, all and singular, generally and specifically, said allegations and
5 the whole thereof.

6 3. Answering the allegations contained in paragraph 5, pages 2-3 of said Complaint,
7 Defendants allege that they have no information or belief upon the subjects contained therein
8 sufficient to enable them to answer any of said allegations, and placing their denial on that
9 ground, deny each and every, all and singular, generally and specifically, said allegations and the
10 whole thereof.

11 4. Answering the allegations contained in paragraph 6, page 3 of said Complaint,
12 Defendants admit that jurisdiction is proper before this Court. As to the remaining allegations,
13 Defendants deny each and every, all and singular, generally and specifically, said allegations and
14 the whole thereof.

15 5. Answering the allegations contained in paragraphs 7-8, page 3 of said Complaint,
16 Defendants allege that they have no information or belief upon the subjects contained therein
17 sufficient to enable them to answer any of said allegations, and placing their denial on that
18 ground, deny each and every, all and singular, generally and specifically, said allegations and the
19 whole thereof.

20 6. Answering the allegations contained in paragraphs 9-12, page 3 of said
21 Complaint, Defendants admit each and every, all and singular, generally and specifically, said
22 allegations and the whole thereof.

23 7. Answering the allegations contained in paragraph 13, pages 3-4 of said
24 Complaint, Defendants allege that they have no information or belief upon the subjects contained
25 therein sufficient to enable them to answer any of said allegations, and placing their denial on
26 that ground, deny each and every, all and singular, generally and specifically, said allegations
27 and the whole thereof.

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1 8. Answering the allegations contained in paragraphs 14-16, page 4 of said
2 Complaint, Defendants allege that they have no information or belief upon the subjects contained
3 therein sufficient to enable them to answer any of said allegations, and placing their denial on
4 that ground, deny each and every, all and singular, generally and specifically, said allegations
5 and the whole thereof.

6 9. Answering the allegations contained in paragraph 17, page 4 of said Complaint,
7 Defendants admit each and every, all and singular, generally and specifically, said allegations
8 and the whole thereof.

9 10. Answering the allegations contained in paragraphs 18-35, pages 4-8 of said
10 Complaint, Defendants allege that they have no information or belief upon the subjects contained
11 therein sufficient to enable them to answer any of said allegations, and placing their denial on
12 that ground, deny each and every, all and singular, generally and specifically, said allegations
13 and the whole thereof.

14 11. Answering the allegations contained in paragraphs 36-44, pages 8-11 of said
15 Complaint, Defendants deny each and every, all and singular, generally and specifically, said
16 allegations and the whole thereof.

17 12. Answering the allegations contained in paragraph 45, page 12 of said Complaint,
18 Defendants incorporate all above paragraphs as if fully set forth herein.

19 13. Answering the allegations contained in paragraphs 46-48, page 12 of said
20 Complaint, Defendants deny each and every, all and singular, generally and specifically, said
21 allegations and the whole thereof.

22 14. Answering the allegations contained in paragraph 49, page 12 of said Complaint,
23 Defendants incorporate all above paragraphs as if fully set forth herein.

24 15. Answering the allegations contained in paragraphs 50-51, pages 12-13 of said
25 Complaint, Defendants deny each and every, all and singular, generally and specifically, said
26 allegations and the whole thereof.

27 16. Answering the allegations contained in paragraph 52, page 13 of said Complaint,
28 Defendants incorporate all above paragraphs as if fully set forth herein.

1 17. Answering the allegations contained in paragraphs 53-56, pages 13-14 of said
2 Complaint, Defendants deny each and every, all and singular, generally and specifically, said
3 allegations and the whole thereof.

4 18. Answering the allegations contained in paragraph 57, page 14 of said Complaint,
5 Defendants incorporate all above paragraphs as if fully set forth herein.

6 19. Answering the allegations contained in paragraphs 58-61, pages 14-15 of said
7 Complaint, Defendants deny each and every, all and singular, generally and specifically, said
8 allegations and the whole thereof.

9 20. Answering the allegations contained in paragraph 62, page 15 of said Complaint,
10 Defendants incorporate all above paragraphs as if fully set forth herein.

11 21. Answering the allegations contained in paragraphs 63-68, pages 15-16 of said
12 Complaint, Defendants deny each and every, all and singular, generally and specifically, said
13 allegations and the whole thereof.

14 22. Answering the allegations contained in paragraph 69, page 16 of said Complaint,
15 Defendants incorporate all above paragraphs as if fully set forth herein.

16 23. Answering the allegations contained in paragraphs 70-74, pages 16-17 of said
17 Complaint, Defendants deny each and every, all and singular, generally and specifically, said
18 allegations and the whole thereof.

19 24. Answering the allegations contained in paragraph 75, page 17 of said Complaint,
20 Defendants incorporate all above paragraphs as if fully set forth herein.

21 25. Answering the allegations contained in paragraphs 76-78, page 17 of said
22 Complaint, Defendants deny each and every, all and singular, generally and specifically, said
23 allegations and the whole thereof.

24 26. Answering the allegations

25 As separate and affirmative defenses, answering Defendants allege as follows:

26 **FIRST AFFIRMATIVE DEFENSE**

27 That said Complaint fails to state a claim upon which relief can be granted.

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SECOND AFFIRMATIVE DEFENSE

That at all times herein mentioned the actions of Defendant law enforcement officers were reasonable and in good faith and as such they are entitled to qualified immunity.

THIRD AFFIRMATIVE DEFENSE

For all state law claims, the Plaintiff was contributorily negligent, that such negligence contributed to the incident and that Plaintiff's recovery should therefore either be barred or reduced to the extent of Plaintiff's negligence.

FOURTH AFFIRMATIVE DEFENSE

For all state law claims, this incident was caused by the negligence and/or fault of other persons, corporations, and entities including both parties and non-parties to this action whether named or not named and that Defendants' liability, if any, should be reduced accordingly.

FIFTH AFFIRMATIVE DEFENSE

That at all times the Defendant law enforcement officers acted reasonably under the circumstances and the use of force was therefore privileged and authorized by law.

SIXTH AFFIRMATIVE DEFENSE

That the City is immune from state law claims pursuant to California Government Code Section 815.

SEVENTH AFFIRMATIVE DEFENSE

That the City is immune from state law claims pursuant to California Government Code Section 815.2.

EIGHTH AFFIRMATIVE DEFENSE

That the City is immune from state law claims for punitive damages pursuant to California Government Code Section 818.

NINTH AFFIRMATIVE DEFENSE

That the City is immune from state law claims for punitive damages pursuant to California Government Code Section 818.2.

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TENTH AFFIRMATIVE DEFENSE

That the individual Defendants are immune from state law claims pursuant to California Government Code Section 820.2.

ELEVENTH AFFIRMATIVE DEFENSE

That the individual Defendants are immune from State law claims pursuant to California Government Code Section 820.8

TWELFTH AFFIRMATIVE DEFENSE

That the individual Defendants are immune from state law claims pursuant to California Government Code Section 821.

WHEREFORE, said answering Defendants pray for relief as follows:

1. For judgment as against Plaintiff and in favor of Defendants;
2. That Plaintiff takes nothing by way of their Complaint;
3. For attorneys' fees and costs of suit incurred herein; and
4. For such other and further relief as the court may deem just and proper

Dated: August 29, 2025

LONGYEAR, LAVRA & CAHILL, LLP

By: /s/ Nicole M. Cahill
NICOLE M. CAHILL
EDUARDO RUIZ
Attorneys for Defendants,
City of Porterville, Jake Castellow,
Joshua Roman and Robert Richardson

DEMAND FOR JURY TRIAL

Defendants City of Porterville, Jake Castellow, Joshua Roman and Robert Richardson
hereby request a trial by jury.

Dated: August 29, 2025

LONGYEAR, LAVRA & CAHILL, LLP

By: /s/ Nicole M. Cahill

NICOLE M. CAHILL

EDUARDO RUIZ

Attorneys for Defendants,
City of Porterville, Jake Castellow,
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